



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
April 4, 2005**

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PW:pw

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Monday, April 4, 2005, at 9:07 a.m., there were present:

- Chairman Gerald E. Connolly, presiding
- Supervisor Sharon Bulova, Braddock District
- Supervisor Michael Frey, Sully District
- Supervisor Penelope A. Gross, Mason District
- Supervisor Catherine M. Hudgins, Hunter Mill District
- Supervisor Gerald W. Hyland, Mount Vernon District
- Supervisor Dana Kauffman, Lee District
- Supervisor Linda Q. Smyth, Providence District

Supervisor Joan M. DuBois, Dranesville District, arrived at 9:15 a.m.

Supervisor Elaine McConnell, Springfield District, arrived at 9:20 a.m.

Others present during the meeting were Anthony H. Griffin, County Executive; David P. Bobzien, County Attorney; Catherine A. Chianese, Assistant to the County Executive; Angela Schauweker, Assistant to the County Executive; Regina Thorn Corbett, Assistant to the County Executive; Nancy Vehrs, Clerk to the Board of Supervisors; and Patti M. Hicks, Deputy Clerk to the Board of Supervisors.

BOARD MATTER1. **MOMENT OF SILENCE** (9:07 a.m.)

Chairman Connolly asked everyone to keep in thoughts the recent death of Pope John Paul II.

AGENDA ITEMS2. **CERTIFICATE OF RECOGNITION PRESENTED TO THE FAIRFAX COUNTY URBAN SEARCH AND RESCUE TEAM** (9:09 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Certificate of Recognition presented to the Fairfax County Urban Search and Rescue Team for its assistance to victims of the tsunami. Supervisor Smyth seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor McConnell not yet having arrived.

3. **CERTIFICATE OF RECOGNITION PRESENTED TO THE 2004 FIREFIGHTER COMBAT CHALLENGE TEAM** (9:15 a.m.)

Chairman Connolly moved approval of the Certificate of Recognition presented to the 2004 Firefighter Combat Challenge Team for its accomplishment. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor McConnell not yet having arrived.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

4. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. ROBERT MANKIN** (9:22 a.m.)

Supervisor Hudgins moved approval of the Certificate of Recognition presented to Mr. Robert Mankin for his personal act of courage for making several attempts to rescue the victim of a fatal fire. Supervisor Hyland seconded the motion and it carried by unanimous vote.

5. **PROCLAMATION DESIGNATING APRIL 25–29, 2005, AS “SMALL BUSINESS WEEK” IN FAIRFAX COUNTY** (9:27 a.m.)

Supervisor Gross moved approval of the Proclamation to designate April 25–29, 2005, as “*Small Business Week*” in Fairfax County. Supervisor Bulova seconded the motion and it carried by unanimous vote.

6. **PROCLAMATION DESIGNATING APRIL 4–10, 2005, AS “PUBLIC HEALTH WEEK” IN FAIRFAX COUNTY** (9:32 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Proclamation to designate April 4–10, 2005, as “*Public Health*”

Week” in Fairfax County. Supervisor Gross seconded the motion and it carried by unanimous vote.

Additionally, Chairman Connolly moved approval of Certificates of Recognition presented to:

- The Medical Society of Northern Virginia for partnering with the County to ensure that the influenza vaccine was effectively and efficiently distributed to County residents in the highest risk categories.
- FASTRAN for partnering with the County to build a healthy community by ensuring access to the Adult Day Health Care Centers for County residents.

Supervisor McConnell seconded the motion and it carried by unanimous vote.

7. **RESOLUTION CONGRATULATING VOLUNTEER FAIRFAX** (9:32 a.m.)

Chairman Connolly moved approval of the Resolution to congratulate Volunteer Fairfax for 30 years of service to the community. Supervisor Hyland seconded the motion and it carried by unanimous vote.

8. **PROCLAMATION DESIGNATING APRIL 21, 2005, AS “VOLUNTEER RECOGNITION DAY” IN FAIRFAX COUNTY** (9:40 a.m.)

Chairman Connolly moved approval of the Proclamation to designate April 21, 2005, as “*Volunteer Recognition Day*” in Fairfax County. Supervisor Smyth seconded the motion and it carried by unanimous vote.

9. **PROCLAMATION DESIGNATING APRIL 20, 2005, AS “ASK ME ABOUT LEADERSHIP FAIRFAX, INCORPORATED (LFI) DAY” IN FAIRFAX COUNTY** (9:50 a.m.)

Chairman Connolly moved approval of the Proclamation to designate April 20, 2005, as “*Ask Me About LFI Day*” in Fairfax County. Supervisor McConnell seconded the motion and it carried by unanimous vote.

Chairman Connolly asked unanimous consent that the Board direct staff to publicize the upcoming LFI events geared to recruiting candidates for next year’s class. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

10. **PROCLAMATION DESIGNATING APRIL 2005, AS “FAIR HOUSING MONTH” IN FAIRFAX COUNTY** (9:57 a.m.)

Supervisor Hudgins moved approval of the Proclamation to designate April 2005, as “*Fair Housing Month*” in Fairfax County. Supervisor Hyland seconded the motion and it carried by unanimous vote.

11. **CERTIFICATE OF RECOGNITION PRESENTED TO THE PROVIDENCE PLAYERS** (10:08 a.m.)

Supervisor Smyth moved approval of the Certificate of Recognition presented to the Providence Players for its 2004–2005 season and for providing affordable and quality theater to the County. Supervisor Hyland seconded the motion and it carried by a vote of seven, Supervisor DuBois, Supervisor Hudgins, and Supervisor Hyland being out of the room.

DMB:dmb

12. **ADMINISTRATIVE ITEMS** (10:14 a.m.)

Supervisor Gross moved approval of the Administrative Items. Supervisor Bulova seconded the motion.

Supervisor Kauffman asked to amend the motion to separately consider Admin 7 – Approval of Zoning Ordinance Amendment Work Program for 2005, and this was accepted.

In regard to Admin 7, Supervisor Hudgins asked unanimous consent that the Board direct staff to report with information regarding a sense of timing on the 29 items on the Proposed 2005 Priority One Zoning Ordinance Amendment Work Program, listed on Attachment One of the Board Agenda Item dated April 4, 2005, with particular interest on the housing related issues. Without objection, it was so ordered.

The question was called on the motion, as amended, with the exception of Admin 7, and it carried by unanimous vote, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE."

ADMIN 1 – RESOLUTION TO INSTALL A “WATCH FOR CHILDREN” SIGN ON MISSIONARY LANE (SPRINGFIELD DISTRICT)

- (R) Adopted the Resolution endorsing the installation of a “Watch for Children” sign on Missionary Lane as part of the Department of Transportation’s Residential Traffic Administration Program.

ADMIN 2 – INSTALLATION OF MULTI-WAY STOPS AT WATERWAY DRIVE AND STONEYBRAE DRIVE, CROSSWOODS DRIVE AND STONEYBRAE DRIVE, BEACHWAY DRIVE, AND BLAIR ROAD (MASON DISTRICT)

- Endorsed the installation of multi-way stops as part of the Department of Transportation's Residential Traffic Administration Program at the following locations in the Mason District:
 - Waterway Drive and Stoneybrae Drive
 - Crosswoods Drive and Stoneybrae Drive
 - Beachway Drive and Blair Road (west intersection)
- Directed staff to request the Virginia Department of Transportation to install the necessary signs at the earliest possible date.

ADMIN 3 – EXTENSION OF REVIEW PERIODS FOR 2232 PUBLIC FACILITY REVIEW APPLICATIONS (LEE AND MASON DISTRICTS)

Approved an extension of review period for the following Public Facility (2322) Review Applications:

- FS-M05-1 to June 9, 2005
- FSA-L04-21-1 to June 13, 2005
- 2232-L04-17 to October 17, 2005

ADMIN 4 – STREETS INTO THE SECONDARY SYSTEM (DRANESVILLE, HUNTER MILL, LEE, MOUNT VERNON, PROVIDENCE, AND SULLY DISTRICTS)

(R) Approved the request that the streets listed below be accepted into the State Secondary System:

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Laing Homes at Herndon Chase	Dranesville	Coomber Court Route 10622
Oak Crest Estates	Hunter Mill	Reston Avenue Route 7917 Additional ROW Only Tori Glen Court Route 10016

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Autumn Chase Hunt Section 5	Lee	Beulah Street Route 613 Additional ROW Only Burnett Street Route 1036 Additional ROW Only Parsley Drive Route 10014 Schurtz Street Route 10652
Riverview at Mount Vernon	Mount Vernon	Tower House Place Route 2192
Cyrandall Valley Property	Providence	Cyrandall Valley Road Route 4948 I-66 Additional ROW Only
Dartmoor Woods Section 1	Sully	Falkirk Drive Route 10608 West Ox Road Route 608 Additional ROW Only
Walney Woods	Sully	Autumn Glory Way Black Spruce Way Cutleaf Court

**ADMIN 5 – DESIGNATION OF PLANS EXAMINER STATUS UNDER
THE EXPEDITED LAND DEVELOPMENT REVIEW PROGRAM**

- Designated the following individuals, identified with their registration numbers, as Plans Examiners:
 - Laura Miller (259)
 - Jill C. Vinson (260)
 - Selam Hailegiorgis (261)
 - Mark A. Tajnai (262)

- Reinstated the following individual, identified with his registration number, as a Plans Examiner:
 - Harry C. Higman (92)

ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING FOR THE CREATION/ENLARGEMENT OF SMALL AND LOCAL SANITARY DISTRICTS FOR REFUSE/RECYCLING, AND/OR LEAF COLLECTION SERVICE (DRANESVILLE, LEE, MASON, AND MOUNT VERNON DISTRICTS)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **April 25, 2005, at 4 p.m.** to consider the following changes to small and local sanitary districts for refuse/recycling, and/or leaf collection service in accordance with the Board's adopted criteria for the Creation/Enlargement/Withdrawal of Small or Local Sanitary Districts:

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
Local District A6 Within Small District 1 Within Dranesville District (Kirby Road Area)	Enlarge 13 Units	Refuse and Recycling	Approve
Local District B Within Small District 1 Within Dranesville District (Marbo Court)	Enlarge 8 Units	Refuse and Recycling	Approve
Local District B Within Small District 1 within Lee District (5925 Shadow Walk)	Enlarge 1 Unit	Leaf	Approve
Small District 2 within Mason District (Galanis Drive)	Enlarge 2 Units	Refuse, Recycling, And Leaf	Approve
Local District E Within Small District 1 within Mount Vernon District (River Bend Est.)	Create 56 Units	Leaf	Approve

**ADMIN 7 – APPROVAL OF ZONING ORDINANCE AMENDMENT
WORK PROGRAM FOR 2005**

(NOTE: Earlier in the meeting, action was taken regarding this item. See page 4.)

(NOTE: Later in the meeting, additional action was taken regarding this item. See Clerk's Summary Item CL#13.)

13. **ADMIN 7 – APPROVAL OF ZONING ORDINANCE AMENDMENT
WORK PROGRAM FOR 2005** (10:17 p.m.)

Supervisor Kauffman moved that the Board endorse the Zoning Ordinance Amendment Work Program for 2005 as recommended by the Development Process Committee, as set forth in Attachments 1 and 2 of the Board Agenda Item dated April 4, 2005, with the following modification:

- With reference to handwritten page 13, of the Proposed 2005 Priority Two Zoning Ordinance Amendment Work Program, Definitions and Interpretations, listed on Attachment Two, that Item 28 be moved to the Priority One list.

Supervisor DuBois seconded the motion.

Discussion ensued with input from William E. Shoup, Zoning Administrator, Department of Planning and Zoning, regarding the original request of a report on the sense of timing of Work Program items.

The question was called on the motion and it carried by unanimous vote.

14. **A-1 – BOARD APPROVAL OF THE DEPARTMENT OF
TRANSPORTATION'S APPLICATIONS FOR AND ACCEPTANCE OF
THREE VIRGINIA DEPARTMENT OF TRANSPORTATION'S (VDOT)
PILOT PLANNING GRANTS** (10:22 a.m.)

Supervisor Kauffman moved that the Board concur in the recommendation of staff and approve three grant applications to the Northern Virginia Regional Commission for the VDOT Pilot Planning Grant Program, with the modification that the study be replaced with a formal transit study of the Richmond Highway corridor in the amount not to exceed \$500,000. No local cash match is required. Supervisor Hyland seconded the motion.

Discussion ensued with input from Thomas Biesiadny, Chief, Coordination and Funding Section, Department of Transportation, regarding the amount of monies requested on the grant application, project allocations, and how likely is it that the County will receive the funding.

The question was called on the motion and it **CARRIED** by a recorded vote of nine, Supervisor Frey voting “NAY.”

15. **A-2 – INDUSTRIAL DEVELOPMENT AUTHORITY (IDA) HEALTH CARE REVENUE BONDS AND REFUNDING BONDS** (10:32 p.m.)

(BONDS)

(R)

Supervisor Bulova moved that the Board concur in the recommendation of staff and adopt a Resolution approving a plan of financing and the issuance by the IDA of Fairfax County Health Care Revenue Bonds. The second to the motion was inaudible.

Supervisor Gross disclosed that she represents the County on the Inova Health Care Services Board.

Supervisor McConnell disclosed that she represents the County on the Inova Health Care Services Board.

Supervisor Hyland disclosed that he represents the County on the Inova Health Care Services Board.

Discussion ensued with input from Edward L. Long, Jr., Chief Financial Officer, regarding why the County is involved in issuing bonds for a private entity.

The question was called on the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE."

16. **A-3 – BOARD POSITION ON PROPOSED AMENDMENTS TO THE VIRGINIA UNIFORM STATEWIDE BUILDING CODE (VUSBC)** (10:33 a.m.)

Supervisor Kauffman moved that the Board concur in the recommendation of staff and approve sending a letter, signed by the Chairman, requesting Virginia Board of Housing and Community Development action on the proposed amendments described in the Board Agenda Item dated April 4, 2005. Supervisor Bulova seconded the motion.

Discussion ensued, with input from Ray Pylant, Building Official, Department of Public Works and Environmental Services (DPWES), regarding changes being proposed in the new code requirements for emergency escape for basement areas and whether existing structures are affected by the new requirements.

Further discussion ensued, with input from James Patteson, Director, Land Development Services, DPWES, regarding secondary means of egress.

Further discussion ensued, with input from Mr. Pylant, regarding additional clarification of the new code requirements.

The question was called on the motion and it carried by unanimous vote.

17. **I-1 – 2004 STORMWATER MANAGEMENT STATUS REPORT ON THE MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) FOR FAIRFAX COUNTY, VIRGINIA** (10:49 a.m.)

The Board next considered an item contained in the Board Agenda dated April 4, 2005, requesting authorization for staff to forward the 2004 Stormwater Management Statue Report on the MS4 for Fairfax County, Virginia, to the Virginia Department of Conservation and Recreation.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to reference the Board's Environmental Policy Plan in future reports and also any other report where the Board has adopted a Policy. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Supervisor Gross asked unanimous consent that the Board direct staff to provide the budget implications to accelerate the All-County Watershed Plans by 2008. Without objection, it was so ordered.

Discussion ensued, with input from Jimmie D. Jenkins, Director, Department of Public Works and Environmental Service, regarding funds in the Proposed Fiscal Year 2006 Budget to meet accelerated Watershed Plan goals.

Supervisor Bulova asked unanimous consent that the Board direct staff to provide a report regarding converting an existing dry pond in residential neighborhoods to an enhanced dry pond. Without objection, it was so ordered.

The staff was directed administratively to proceed as proposed.

18. **I-2 – STATUS REPORT ON TRANSPORTATION CAPITAL PROJECTS WITHIN FAIRFAX COUNTY** (10:57 a.m.)

The Board next considered an item contained in the Board Agenda dated April 4, 2005, reporting on the status of transportation capital projects within the County.

Discussion ensued, with input from Katharine D. Ichter, Chief, Highway Operations Division, Department of Transportation (DOT) regarding the length of time taken to complete projects.

Further discussion ensued, with input from Young Ho Chang, Director, DOT, regarding project funding processes, delays, and completion timelines.

Further discussion ensued, with input from Charlie Strunk, staff, DOT, regarding the status of the proposed blue wall that will obscure the Town of Occoquan in Prince William County.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to provide background information regarding the blue wall and the position of the Town of Occoquan regarding it. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Discussion ensued, with input from Ms. Ichter regarding the status of the Centreville Road project listed on the report.

Further discussion ensued, with input from Mr. Chang regarding the HOT Lane ramps on the I-495 Beltway.

19. **I-3 – CONTRACT AWARD – RECenter IMPROVEMENTS AT SOUTH RUN DISTRICT PARK (SPRINGFIELD DISTRICT)** (11:12 a.m.)

The Board next considered an item contained in the Board Agenda dated April 4, 2005, requesting authorization for staff to award a contract to C.V. Carlson Company, Incorporated, in the amount of \$1,209,000 for the construction and maintenance improvements to the heating, ventilation, and air conditioning system and roof structure at South Run RECenter.

The staff was directed administratively to proceed as proposed.

ADDITIONAL BOARD MATTERS

NV:nv

20. **APPROVAL OF AUDIT COMMITTEE QUARTERLY AUDIT REPORTS**
(11:13 a.m.)

(BACs) Chairman Connolly called the Board's attention to the Auditor's March 29, 2005, Quarterly Status Report, copies of which were previously mailed to all Board Members. He publicly praised the auditors.

Accordingly, he relinquished the Chair to Vice-Chairman Bulova and moved that the Board accept the March 29, 2005, Quarterly Status Report of the Office of the Financial and Programs Auditor. Supervisor McConnell seconded the motion, which carried by unanimous vote.

21. **BUDGET CONSIDERATION ITEM FOR INVENTORY OF NATURAL RESOURCES** (11:14 a.m.)

Chairman Connolly stated that the Park Authority Board requested the addition of \$302,000 to establish a program to inventory natural resources and combat invasive, non-native plants on parkland. Accordingly, he asked unanimous consent that the Board direct staff to add \$302,000 to the Fiscal Year 2006 Consideration Items to establish this formalized inventory program for natural resource management. He noted that this action does not guarantee funding of the item. Without objection, it was so ordered.

22. **NURSES' WEEK** (11:14 a.m.)

Chairman Connolly announced that May 6-12, 2005, is Nurses' Week to commend these unsung heroes for their dedication to the wellness of others. Therefore, he moved that the Board proclaim May 6-12, 2005, as "*Nurses' Week*" in Fairfax County and direct staff to invite the appropriate representatives from the Health Care Advisory Board and Health Department to appear before the Board to be recognized with the proclamation at the April 25, 2005, meeting. Vice-Chairman Bulova seconded the motion, which carried by unanimous vote.

23. **TEEN DRIVING SUMMIT** (11:15 a.m.)

Chairman Connolly reminded the Board that earlier in the year it approved his motion to direct the County Executive, Police Chief, and School Superintendent, to confer on steps the County can take to stem the increase in teenage driving accidents that has resulted in the loss of lives in the County and elsewhere. He noted that preliminary discussions have begun.

Chairman Connolly reiterated that teenagers are more likely to be involved in a single car crash than those in any other age group. Nationally, teen drivers killed in motor vehicle accidents had a youth passenger in the automobile 45 percent of the time. Of teen drivers fatally injured in automobiles, more than one-third were speed related accidents. Teenagers make up 7 percent of licensed drivers, but suffer 14 percent of fatalities and 20 percent of reported accidents. In 2004 61 people lost their lives due to motor vehicle accidents in the County. Nine of those deaths were children under 21 years of age.

Chairman Connolly noted that in January he listed ten areas where swift action may make a difference in saving young lives, including the transformation of the school driver education programs. He met with a group of teenagers recently and not one person said that the school driver education program helped them to develop skills that were useful in their driving experience. He stressed the importance of transforming driver education to become meaningful.

Following a brief discussion, Chairman Connolly moved that the Board direct the County Executive to coordinate with the School Superintendent and the Chief of

Police to organize a Teenage Driving Summit in the Government Center timed to precede the prom and graduation seasons. Supervisor McConnell seconded the motion, and discussion ensued.

Supervisor McConnell suggested State legislation that would allow for the seizure of vehicles involved in drag racing, and she said that she would be discussing this with members of the General Assembly.

With regard to one of the proposals to revoke school parking privileges for traffic violations in the community, Supervisor Gross noted that this idea has been circulated throughout the community recently, but the response she had seen from the Schools is that it does not have access to this information if it did not happen on school grounds.

Noting the success of all-night graduation parties in keeping teenagers safe, Supervisor Gross asked unanimous consent that the Board direct staff to provide information on these parties and include the party organizers in the summit. Without objection, it was so ordered.

Supervisor DuBois noted the success of the Youthful Driver Program at the Police Academy driver training track and suggested coordinating it with the school driver education program.

Supervisor Kauffman asked unanimous consent that the Board direct the County Executive to report regarding the funding for the DWI Checkpoint Programs in the Fiscal Year (FY) 2006 Budget. Without objection, it was so ordered.

Supervisor McConnell asked unanimous consent that the Board direct staff to include a FY 2006 Budget Consideration Item for the purchase of additional Lidar guns for traffic speed enforcement. Without objection, it was so ordered.

The question was called on the motion to organize a Teenage Driving Summit and it carried by unanimous vote.

24. **RESIDENTIAL DEVELOPMENT CRITERIA ACCOUNTING** (11:25 a.m.)

Chairman Connolly noted that on September 9, 2002, the Board amended the residential development criteria, as recommended by the Planning Commission, implementing a cash proffer system that became effective January 7, 2003. That action stipulated that the "school system shall provide an annual accounting to the Board of Supervisors on appropriation of proffered monies, including both specified and unspecified proffer funds." He said that it was his understanding that, to date, no such report has been given to the Board.

Accordingly, Chairman Connolly moved that the Board direct the County Executive to provide a full and comprehensive report on the sources and proposed

uses of school cash proffers to the Board by its next meeting on April 25. Vice-Chairman Bulova seconded the motion, which carried by unanimous vote.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

25. **COMMITTEE TO DEVELOP DEFINITION OF DOMESTIC BRED HOUSEHOLD PETS** (11:26 a.m.)

(BACs) Supervisor Hudgins reported that recently two of her constituents contacted her office about the question of making domestically-bred African pygmy hedgehogs legitimate pets in the County. She noted that this is not a new issue and was considered by the Board in both 1999 and 2001 as a proposed amendment to Chapter 112 (Zoning Ordinance) of the Code of the County of Fairfax to include them in the definition of commonly accepted pets. The motion to amend failed.

Rather than rehash the same concerns, Supervisor Hudgins asked unanimous consent that the Board appoint a committee to identify an appropriate procedure by which domestic bred household animals could be defined. She stated her belief that establishing a criteria would limit future petitioning for special permit approval for domestic bred household animals.

Supervisor Hudgins amended her request to direct the County Executive to provide the Board with the composition of the proposed committee that includes the Animal Services Advisory Commission, the Health Department, and the Department of Animal Control. Without objection, the request, as amended, was so ordered.

26. **ISLAND WALK PARTNERSHIP AWARD (HUNTER MILL DISTRICT)** (11:27 a.m.)

Supervisor Hudgins announced that the Community Associations Institute Washington Metropolitan Chapter selected Island Walk Partnership of Reston as the best Small Homeowners Association in the national capital area. To recognize the recipients of this award, she asked unanimous consent that the Board direct staff to invite the Board of Directors of Island Walk Partnership to appear before the Board to receive a certificate of recognition for being the best small homeowners association in the region. Without objection, it was so ordered.

27. **TRAFFIC RULES DURING POWER OUTAGES** (11:28 a.m.)

Supervisor Hudgins cited an example of a traffic accident that occurred during a traffic light power outage. She said that since a large power outage had hit the area, police officers were dispatched to larger intersections to control areas of higher potential danger. She noted that the *Code of Virginia*, Section 46.2-833 B, addresses this situation and requires drivers to proceed through an intersection during an outage as if it were controlled by a stop sign on all approaches.

Accordingly, Supervisor Hudgins asked unanimous consent that the Board direct staff to publicize the applicable intersection courtesies that must be observed during power outages and other such incidents. Without objection, it was so ordered.

28. **BUDGET CONSIDERATION ITEM FOR GREATER RESTON ARTS CENTER (GRACE) ARTS AND CULTURAL CENTER (HUNTER MILL DISTRICT)** (11:29 a.m.)

Supervisor Hudgins asked unanimous consent that the Board direct staff to prepare a Budget Consideration Item in the amount of \$50,000 as a contribution to the new GRACE Arts and Cultural Center at the Reston Towne Center, In exchange, GRACE would allow exhibition space for mutually agreed times. The agreement would permit the County to use the space, as intended in the Development Plan Proffer for Rezoning Application RZ 85-C-088 without incurring the build out and ongoing operating costs. Without objection, it was so ordered.

29. **STUDY COMMITTEE FOR HUNTER MILL ROAD AREA (DRANESVILLE AND HUNTER MILL DISTRICTS)** (11:30 a.m.)

(BACs) Supervisor DuBois said that as authorized by the Board on March 21, the Dranesville and Hunter Mill Districts will convene a special study task force to address the Area Plans Review Nominations for the Hunter Mill Road area as well as other land planned for residential use located west of Hunter Mill and Lake Fairfax Park. The following Dranesville and Hunter Mill District Citizens will serve on this task force:

Dranesville District

Ms. Jody Bennett
Mr. James Cunningham
Ms. Judith W. Downer
Mr. Chris Halligan
Dr. Jack Mansfield
Mr. Gene O'Brien
Ms. Sheila Olem
Mr. Randy Schumacher
Mr. John Ulfelder
Mr. Jack Wilbern

Hunter Mill District

Mr. David Edwards
Mr. Arthur Hill
Mr. Brian McMillan
Ms. Michelle Krockner
Mr. Mortimer Marshall, Jr.
Ms. Gwenn Minton
Mr. Steve Psarakis
Mr. Don Skidmore
Mr. Robert Walker
Mr. Bruce Wright

Accordingly, jointly with Supervisor Hudgins, Supervisor DuBois moved the appointments of the aforementioned 20 community members as the Dranesville-Hunter Mill Districts Special Study Task Force representatives to undertake this study. Supervisor Bulova and Supervisor Hudgins jointly seconded the motion.

Following a brief discussion regarding the fact that Providence District is not affected, the question was called on the motion, which carried by a vote of nine, Supervisor McConnell being out of the room.

30. **McLEAN COMMUNITY CENTER (MCC) GOVERNING BOARD NOMINATIONS (DRANESVILLE DISTRICT)** (11:31)

(BACs) Supervisor DuBois announced that on May 21, the citizens of Small District #1 will hold an election to replace three adult members and two student members of the MCC Governing Board. The student members will be running unopposed. The Memorandum of Understanding between the MCC and the Board, dated February 8, 1984, specifies that the Board must approve election standards and procedures.

Supervisor DuBois stated that she was satisfied that the MCC has established an elections committee and issued a public notice of the opportunity for all citizens of Small District #1 to petition for a place on the ballot. The elections committee informed her that the following five adult candidates and two youth candidates have placed their names in nomination:

Adult Candidates

Sean A. Dunn
Nyka Jasper Feldman
Charisse McElroy
Patricia Ellen Green Roth

Youth Candidates

Hilary Sanders, Langley High School area
Jessica Richardson, McLean High School area

31. **RECOGNITION OF GEORGE SMITH, DRANESVILLE DISTRICT REPRESENTATIVE TO THE TRANSPORTATION ADVISORY COMMISSION (TAC)** (11:33 a.m.)

(BACs) Supervisor DuBois stated that George Smith, Dranesville District Representative to the TAC since 1997, announced his intention to step down from the commission and relocate from the County in the near future. She asked unanimous consent that the Board direct staff to invite Mr. Smith to appear before the Board at its first opportunity to receive recognition and thanks for his years of service. Without objection, it was so ordered.

32. **COUNCIL OF THE ARTS OF HERNDON'S TASTE OF THE TOWN (DRANESVILLE DISTRICT)** (11:33 a.m.)

Supervisor DuBois announced that the Council for the Arts of Herndon is celebrating its twentieth year as the official arts organization for the Town of Herndon. Its annual Taste of the Town will be held on Thursday, April 21, 2005, from 5:30 – 9 p.m. at the Worldgate Center in Herndon. The Taste will feature more than 20 restaurants with both silent and live auctions. Proceeds will be used to award art scholarships and support various art and cultural programs in the greater Herndon area. She noted that Chairman Connolly agreed to be guest auctioneer for the live auction that evening. The council invites the Board and the community to join Chairman Connolly and her at the Taste of the Town.

Accordingly, Supervisor DuBois asked unanimous consent that the Board direct the Office of Public Affairs to publicize this event. Without objection, it was so ordered.

More information is available on the website at info@herndonarts.org, or by contacting the Council for the Arts of Herndon at 703-689-9535.

33. **SUPPORT OF SUMMER YOUTH ACTIVITIES** (11:34 a.m.)

Supervisor Smyth said that the Road Dawg and Rec-Pac/Quest are two active County programs that engage youth in a structured program in the summer months. The Road Dawg Camp is a week-long camp for at-risk youths that is conducted in August and provides an opportunity for police officers to serve as mentors and introduce boys and girls to the public safety profession. Rec-Pac/Quest, operated by the Park Authority, is a six week structured recreation program with emphasis on leisure skills designed for elementary school children. Rec-Quest is a six week structured recreation program designed for middle school children. She noted the value of these programs.

Supervisor Smyth added that some youths have barriers to access to the above-mentioned programs due to transportation restrictions. Accordingly, she moved that the Board direct staff to include \$6000 as a Fiscal Year 2006 Budget Consideration Item to provide transportation in support of these programs serving the community surrounding Graham Road Elementary School.

Supervisor Bulova asked to amend the motion to direct staff to:

- Determine what other areas of the County may have a problem with transportation to these programs.
- Increase the amount for the Consideration Item to include these other areas if there is a need for transportation.

Following discussion regarding youth programs, Chairman Connolly clarified the amendment as a possible Consideration Item of \$60,000 with an analysis by staff of the actual need and geographical distribution, and this was accepted.

The question was called on the motion, as amended, which carried by a vote of nine, Supervisor McConnell being out of the room.

34. **NOMINATION FOR APPOINTMENT TO THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) (PROVIDENCE DISTRICT)** (11:39 a.m.)

(BACs) Supervisor Smyth announced that Herbert Taylor, Providence District Representative to the CSB, said that he intends to resign upon appointment of a replacement. Mr. Taylor recommended Mrs. Mary Ann Beall for consideration as his replacement.

Accordingly, Supervisor Smyth announced her intention to nominate Mrs. Mary Ann Beall for consideration as the Providence District Representative to the CSB when the Board next considers appointments on April 25.

Supervisor Smyth announced that Mr. Taylor will be recognized for his years of service as the Providence District Lord Fairfax honoree and she asked unanimous consent that the Board direct staff to invite him to appear before the Board to be recognized for his service. Without objection, it was so ordered.

35. **CONCURRENT PROCESSING OF REZONING APPLICATION RZ 2004-PR-033 WITH PROFFERED CONDITION AMENDMENT APPLICATION PCA 93-P-016 (PROVIDENCE DISTRICT)** (11:39 a.m.)

Supervisor Smyth stated that Vintage Crest, LC, the applicant of Rezoning Application RZ 2004-PR-033, has requested to be permitted to submit its site plan for concurrent review by the Department of Public Works and Environmental Services. The applicant understands that it runs the risk of potentially having to redesign and resubmit a new site plan if substantial design changes occur during the rezoning process.

Accordingly, Supervisor Smyth moved that the Board approve concurrent processing of the site plan for the pending Rezoning/Final Development Applications RZ/FDP 2003-PR-009. She noted that this motion does not relieve Vintage Crest LC from compliance with the provisions of all applicable ordinances, regulations, and adopted standards, and does not prejudice in any way the consideration of its rezoning and proffered condition applications. Supervisor DuBois seconded the motion, which carried by a vote of nine, Supervisor McConnell being out of the room.

36. **TINNER HILL CULTURAL CENTER AND THE JOHN JACKSON CENTER FOR PIEDMONT BULES (PROVIDENCE DISTRICT)**
(11:41 a.m.)

Jointly with Chairman Connolly, Supervisor Smyth reminded the Board that the Tinner Hill Heritage Foundation is a private, nonprofit, nonsectarian organization that has been diligently working on its plans to develop the Tinner Hill Cultural Center and the John Jackson Center for Piedmont Blues. She provided copies of the latest architectural rendering of the project.

Supervisor Smyth said that a proposed interactive museum to celebrate the location of the first NAACP rural branch and a Piedmont Blues performance stage are to be constructed on property located at 106 and 108 Tinner Hill Road in the County and the City of Falls Church. The foundation is currently leasing this property from the County and City. The next steps to realize this vision is the submission of a special exception application and site plans to the County.

Supervisor Smyth moved that the Board:

- Approve the expedited and concurrent processing of the Foundation's special exception application and site plans for the properties described above.
- Waive the fees associated with the Tinner Hill Foundation special exception application and site plan processing.

She noted that this motion does not otherwise relieve the Tinner Hill Heritage Foundation from compliance with the provisions of all applicable ordinances, regulations, and adopted standards, and does not prejudice in any way the consideration of the special exception application.

Supervisor DuBois and Chairman Connolly jointly seconded the motion, which carried by a vote of nine, Supervisor McConnell being out of the room.

37. **DAUGHTERS OF THE AMERICAN REVOLUTION (DAR) GOOD CITIZEN AWARDS** (11:43 a.m.)

Jointly with Supervisor Hudgins, Supervisor Smyth announced that the following two students in the County have been awarded the DAR Good Citizen Award by its Fairfax County Chapter for writing essays:

- Ms. Lisa Marie Hughes of Madison High School
- Ms. Byeri Kim of Oakton High School

Accordingly, Supervisor Smyth asked unanimous consent that the Board direct staff to prepare certificates of recognition for the two awardees. Without objection, it was so ordered.

DET:det

38. **EARTH DAY/ARBOR DAY CELEBRATION** (11:43 a.m.)

Supervisor Bulova announced that the County's official observation of Earth Day and Arbor Day, will be held at the Annandale Campus of Northern Virginia Community College on Saturday, April 23, 2005, from 11 a.m. until 4 p.m. Earth Day/Arbor Day is sponsored by Fairfax County Recycling, Clean Fairfax Council, Northern Virginia Community College, and Fairfax County.

Supervisor Bulova invited Board Members to join the celebration and asked unanimous consent that the Board direct:

- Appropriate staff to assist the Earth Day/Arbor Day Committee with planning the event where County involvement is needed.
- The Office of Public Affairs to draft a press release for the event and provide the Committee with a proclamation claiming April 23, 2005, as Fairfax County Earth Day/Arbor Day Celebration. Following the event, Certificates of Recognition should be prepared to thank the sponsors of the event so that they can appear before the Board to be recognized.

Without objection, it was so ordered.

39. **A LOOK BACK AT BRADDOCK (BRADDOCK DISTRICT)** (11:45 a.m.)

Supervisor Bulova said that she and her staff often heard stories about "old time" Braddock, especially when people who had lived there the longest could no longer manage the upkeep of their older homes or former farmhouses and applied to the County to rezone their property. For years there had been talk about capturing these old stories before they were lost forever. This year, Supervisor Bulova said that she decided to do something about it.

At Braddock District's October 20, 2004 Fall Town Meeting, Supervisor Bulova stated that her office kicked off a year-long history project: A Look Back at Braddock. The Town Meeting provided an overview of history in the Braddock District along with information about research and preserving history.

Supervisor Bulova said that History Year will continue with a spring town meeting on May 25, 2005. The program for that meeting will include presentations about evidence of Native American activities in the Braddock area, early land grants and colonial settlements, and Braddock in times of war and

conflict. The focus on history will conclude with a Fall 2005 Town Meeting scheduled for October 19. That program will focus on Braddock's evolution from early history to the present and will cover Braddock's oldest roads and settlements, public institutions and governance, and how present neighborhoods began.

Supervisor Bulova said that Bud Mayo, Braddock District's Representative on the History Commission, is assisting with this project. In addition, approximately 20 individuals have volunteered to serve on a Look Back at Braddock Task Force and are working with the Braddock District office to:

- Gather written anecdotes, photographs, and historic materials.
- Record and transcribe oral histories from older residents.
- Organize and edit written materials and anecdotal text into both a book and electronic version.
- Produce a layered map tracing the boundaries, landmarks, and features of Braddock District from early history to the present.
- Conduct a Student History Paper Competition.

Supervisor Bulova asked unanimous consent that the Board:

- Direct the Office of Public Affairs to assist the Braddock District office in publicizing these activities, in particular, to encourage people to look for old photos and materials that can help tell the story of Braddock District.
- Direct staff to provide minor assistance for some of the projects (i.e. staff in GIS mapping for help with the layered map).

Without objection, it was so ordered.

40. **911 MEMORIAL GARDEN AT THE GOVERNMENT CENTER**
(11:47 a.m.)

Supervisor Bulova reminded the Board that it has participated in very beautiful and moving ceremonies to commemorate the terrorist attacks of September 11, 2001, at a lovely little spot, designed by the Tree Commission, at the Government Center.

Recently, a number of issues regarding the 911 Memorial Garden was brought to Supervisor Bulova's attention, including the fact that sometimes plant materials had been stolen. Routine maintenance of the Government Center appeared to exclude the memorial, and plants and flowers were lost during dry periods of the year.

Supervisor Bulova stated that members of the Tree Commission recall that the County was supposed to contribute \$10,000 toward the creation of the Memorial Garden and they do not believe the funding was ever allocated.

Supervisor Bulova asked unanimous consent that the Board:

- Allocate \$10,000 to be used to extend water lines to the Memorial Garden (the cost estimate they have received is \$8,000), and to provide lighting to the memorial to improve security.
- Direct staff to provide routine, but professional, maintenance to the area, along with the rest of the Government Center. The Commission has offered to continue to provide volunteer assistance to supplement this routine maintenance.
- Direct staff to report to the Board as soon as possible.

Without objection, it was so ordered.

Supervisor Hyland noted that maintenance of the grounds of the Government Center was provided by the Sheriff's Office, and he was satisfied with their upkeep. Following discussion, with input from Anthony H. Griffin, County Executive, Supervisor Bulova stated that she was not looking for an outside "professional" operation to be brought in, just that the work be done in a professional manner and she asked unanimous consent that the Board direct the County Executive to discuss this with the Sheriff's Office. Without objection, it was so ordered.

41. **EARLY INTERVENTION AWARENESS MONTH** (11:51 a.m.)

Supervisor Gross stated that children who were born with developmental delays and disabilities must receive immediate intervention treatment when they are diagnosed. This early intervention is crucial to their future development and well-being and to their families. Throughout the nation, May has been designated as Early Intervention Awareness Month.

Supervisor Gross asked unanimous consent that the Board:

- Declare May 2005 as "*Early Intervention Month*" in Fairfax County.

- Invite staff, providers, and clients of the Infant and Toddler Connection of Fairfax-Falls Church to appear before the Board for a proclamation to that effect.

Without objection, it was so ordered.

42. **MEL RIDDILE, PRINCIPAL OF J.E.B. STUART HIGH SCHOOL, SELECTED AS 2005 PRINCIPAL OF THE YEAR BY THE VIRGINIA ASSOCIATION OF SECONDARY SCHOOL PRINCIPALS (MASON DISTRICT)** (11:52 a.m.)

Supervisor Gross informed the Board that Mel Riddile, principal of J.E.B. Stuart High School, Mason District, was selected as 2005 Principal of the Year by the Virginia Association of Secondary School Principals. This singular honor recognized the incredible efforts of Dr. Riddile to ensure that the education process in what may be the nation's most diverse public high school was successful and rewarding for all: students and teachers alike.

Supervisor Gross asked unanimous consent that the Board direct staff to invite Dr. Riddile to appear before the Board to receive congratulations on this significant achievement. Without objection, it was so ordered.

PMH:pmh

43. **CONCURRENT PROCESSING FOR REZONING APPLICATION RZ 2003-LE-055 (LEE DISTRICT)** (11:53 a.m.)

Supervisor Kauffman said that the applicant for Rezoning Application RZ 2003-LE-055 is requesting that the Board approve concurrent processing of its site plan so that the Department of Public Works and Environmental Services will accept and review the site plan application while the application is being processed.

Therefore, Supervisor Kauffman moved that the Board approve concurrent processing for the property which is the subject of Rezoning Application RZ 2003-LE-055. This motion should not be construed as a favorable recommendation on the application and does not relieve the applicant of compliance with provisions of any applicable ordinances, regulations, or standards in anyway. Supervisor Hyland seconded the motion and it carried by unanimous vote.

44. **COMMUNITY PARKING DISTRICT IN KINGSTOWNE (LEE DISTRICT)** (11:54 a.m.)

Supervisor Kauffman said that the Kingstowne Residential Owners Corporation (KROC) has successfully demonstrated widespread community support to complete Phase II in the establishment of the Community Parking District (CPD)

by accumulating required signatures representing 60 percent of the petition area for this second phase. The CPD in Kingstowne was established in two phases. Phase 1 covered those streets that were off bond by May 2004 and had been turned over to the Virginia Department of Transportation (VDOT). Phase 2 streets included Castlewellan Drive, Greendale Village Drive, and Horgan Court, which were still on bond in May 2004 and thus had not been turned over to VDOT when the first phase of the CPD was established.

Since the intent was for Phase 2 streets to be added to the CPD once they were off bond and turned over to VDOT, and because the number of townhouses would be an excessive financial burden on the community, Supervisor Kauffman moved that the Board waive the fee for establishing the remainder of the Kingstowne CPD. This is consistent with the Board's approval to waive fees on Phase 1 of this CPD. KROC agrees that should any future Kingstowne streets be added to a CPD, KROC will pay the required fee. The second to this motion was inaudible.

Following discussion regarding the CPD process, Supervisor Bulova asked to amend the motion that the Board direct staff to review the process to determine if the process to create a CPD could be changed to reduce the costs, and this was accepted.

Supervisor Hyland asked unanimous consent that the Board direct staff to review the State code from the perspective of enforcement. Without objection, it was so ordered.

Supervisor Bulova asked unanimous consent that the Board direct staff to review reducing the \$10 fee per signature for the petition. Without objection, it was so ordered.

The question was called on the motion, as amended, which carried by unanimous vote.

45. **METRO'S OPEN HOUSE AND TOWN MEETING** (12:01 p.m.)

Supervisor Kauffman announced that Metro will be holding an open house and town hall meeting on Tuesday, April 12. The schedule is as follows:

- Open House 6-9 p.m.
- Town Hall meeting 7-9 p.m.
- George Mason High School Cafeteria
7214 Leesburg Pike
Falls Church, VA

By Metrorail:
West Falls Church Station

By Metrobus:
Route 3B, 28A,B,T; 3T; GEORGE 26W

For more information, log onto the website at MetroOpenDoors.com.

46. **BULL RUN CHESS TEAM WINS STATE TITLE (SULLY DISTRICT)**
(12:03 p.m.)

Supervisor Frey announced that the Bull Run Elementary School's chess team won first place in the Virginia Scholastic Chess Championship in both the Kindergarten through Third Grade and Kindergarten through Fifth Grade Divisions during the competitions held March 12-13 in Yorktown, Virginia. This is the second consecutive year that the Kindergarten through Fifth Grade Division has won the State championship in which more than 470 students competed.

In honor of this achievement, Supervisor Frey asked unanimous consent that the Board direct staff to invite the chess team to appear before the Board for recognition of this accomplishment. Without objection, it was so ordered.

47. **"RACHEL CARSON DAY" IN FAIRFAX COUNTY** (12:04 p.m.)

Jointly with Supervisor Frey, Supervisor Hyland said that the Rachel Carson Council seeks to inform and advise people and institutions about the effects of pesticides that threaten the health, welfare, and survival of living organisms and biological systems. The Council promotes alternative, environmentally benign pest management strategies to encourage healthier lifestyles. The Council fosters a sense of wonder and respect towards nature.

Therefore, Supervisor Hyland moved that the Board:

- Proclaim May 27 as "*Rachel Carson Day*" in Fairfax County.
- Invite citizens throughout the County to observe this day, the birth date of Rachel Carson, by refraining from using chemical pesticides on this day and ask the citizens of Fairfax County for their cooperation in seeking alternative methods of pest management.

Supervisor Frey seconded the motion.

Supervisor Frey asked unanimous consent that the Board direct staff to involve the children from Rachel Carson Middle School. Without objection, it was so ordered.

The question was called on the motion and it carried by unanimous vote.

48. **LORTON LIBRARY TURNS 15 (MOUNT VERNON DISTRICT)** (12:06 p.m.)

Supervisor Hyland said the Lorton Library, located at 9520 Richmond Highway, invites residents to celebrate its fifteenth anniversary with free food, Winnie the Pooh, the Bob Brown Puppets, the Pohick Pickers and more from 10 a.m. – 5 p.m. on Saturday, April 9. For details or directions, call 703-339-7385.

Supervisor Hyland outlined the events of the day. Therefore, Supervisor Hyland asked unanimous consent that the Board direct the Office of Public Affairs to advertise Lorton Library's fifteenth birthday on channel 16 and he invited all members of the Board and the Mount Vernon District to attend the celebration. Without objection, it was so ordered.

49. **PROPOSALS FROM MR. FRANK MEDICO** (12:07 p.m.)

Supervisor Hyland said on March 16 his office received a letter from Mr. Frank Medico and he asked unanimous consent that the Board direct staff to respond to the proposals in Mr. Medico's letter and report on the potential impact to the County's budget if enacted. Without objection, it was so ordered.

50. **GIRL POWER!** (12:08 p.m.)

Jointly with Supervisor Kauffman, Supervisor Hyland moved that the Board direct staff to invite the representatives of *Girl Power!* to appear before the Board on Monday, May 9 to be recognized for the long term benefit this program provides young women, and that they be presented with a proclamation naming Saturday, May 14 as "*Girl Power!*" Day in Fairfax County. Supervisor Kauffman seconded the motion and it carried by unanimous vote.

51. **FAIR CHASE DEVELOPMENT (SPRINGFIELD DISTRICT)** (12:08 p.m.)

Supervisor McConnell said that William Fogarty, counsel for Walsh, Colucci, Lubeley, Emrich and Terpak, on the behalf of Fair Chase Development LLC, has requested that the Board refuse an offer of dedication of 2,077 square feet of common open space, located within Parcel F, Fair Chase, Section One. Parcel F contains a storm water management pond and would consist of 1.41 acres after this proposed lot line adjustment. The developer intends to reduce the area of Parcel F and add the same area to Parcel E to facilitate the location of a condominium building and its sidewalk within Parcel E. The reduction in the size of Parcel F would not adversely affect the storm drainage facilities located thereon. Since the 2,077 square feet will temporarily be owned by the developer before being transferred to the condominium owner as open space within Parcel E, the transfer constitutes a "disposal" of common open space under Section 2-702(4) of the Zoning Ordinance, thereby requiring that the Board decline the offer of dedication for the developer to proceed. Furthermore, the open space is located in an area that is not adjacent to other open space parcels

owned by the Board or the Park Authority. The Department of Planning and Zoning has reviewed the application and has determined that the acceptance of the open space would not create a benefit to the County and there would be no harm in the Board refusing the open space as requested by the developer.

Therefore, Supervisor McConnell moved that the Board refuse the offer of dedication of 2,077 square feet of open space of the Fair Chase subdivision, as provide for in the Zoning Ordinance. This motion, the second to which was inaudible, carried by unanimous vote.

52. **BUDGET CONSIDERATION ITEMS** (12:11 p.m.)

There was a brief discussion of budget items under consideration by the Board. Chairman Connolly said that Consideration Items should be submitted by Friday, April 8.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to provide the Board with a list of the Consideration Items. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

53. **RECESS/CLOSED SESSION** (12:12 p.m.)

Supervisor Gross moved that the Board recess and go into closed session for discussion and consideration of matters enumerated in *Virginia Code* Section 2.2-3711 and listed in the agenda for this meeting as follows:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).

1. *Mark A. McChrystal v. Fairfax County Board of Supervisors, et al.*, In Chancery No. CH-2005-0000014 (Fx. Co. Cir. Ct.)

2. *Laurel C. Olsen v. Fairfax County Employees' Retirement System, et al.*, In Chancery No. CH-2005-0000705 (Fx. Co. Cir. Ct.)
3. *Julian Warren v. Richard T. Cruger, Jr. and the County of Fairfax, Virginia*, At Law No. CL-2004-0224315 (Fx. Co. Cir. Ct.)
4. *Roubin Associates, L.L.C. v. The Board of Supervisors of Fairfax County, Virginia*, In Chancery No. CH-2004-0192512 (Fx. Co. Cir. Ct.) (Mount Vernon District)
5. *William E. Shoup, Fairfax County Zoning Administrator v. Arlindo, Deolinda, and Maximino Ribeiro*, In Chancery No. CH-2005-0000767 (Fx. Co. Cir. Ct.) (Hunter Mill District)
6. *Daniel E. Carpenter and Phyllis A. Carpenter v. Board of Zoning Appeals of Fairfax County, Virginia, et al.*, In Chancery No. CH-1984-0089823 (Fx. Co. Cir. Ct.) (Mount Vernon District)
7. *William E. Shoup, Fairfax County Zoning Administrator v. Darlene J. Latta and Susan M. Morissette*, In Chancery No. CH-2005-0001170 (Fx. Co. Cir. Ct.) (Providence District)
8. *William E. Shoup, Fairfax County Zoning Administrator v. Kathy M. Tilden*, In Chancery No. CH-2005-0001148 (Fx. Co. Cir. Ct.) (Lee District)
9. *William E. Shoup, Fairfax County Zoning Administrator v. Duong Mui Hoang and Lan Mai Dong*, In Chancery No. CH-2005-0001149 (Fx. Co. Cir. Ct.) (Lee District)
10. *William E. Shoup, Fairfax County Zoning Administrator v. Juan M. Rocha and Sarah M. Rocha*, In Chancery No. CH-2005-0001217 (Fx. Co. Cir. Ct.) (Mason District)

11. *William E. Shoup, Fairfax County Zoning Administrator v. Viren Investment, Inc.*, In Chancery No. CH-2005-0001300 (Fx. Co. Cir. Ct.) (Mount Vernon District)
12. *William E. Shoup, Fairfax County Zoning Administrator v. Timothy L. Hockenberry, et al.*, In Chancery No. CH-2005-0001301 (Fx. Co. Cir. Ct.) (Providence District)
13. *William E. Shoup, Fairfax County Zoning Administrator v. The 5408 Oakwood Road, LLC*, In Chancery No. CH-2005-0001230 (Fx. Co. Cir. Ct.) (Lee District)
14. *William E. Shoup, Fairfax County Zoning Administrator v. Falls Church Amoco, Inc.*, In Chancery No. CH-2005-0001273 (Fx. Co. Cir. Ct.) (Providence District)
15. *William E. Shoup, Fairfax County Zoning Administrator v. Moe Nowrouzi and Belview Shopping Company, LLC*, In Chancery No. CH-2005-0001274 (Fx. Co. Cir. Ct.) (Mount Vernon District)
16. *William E. Shoup, Fairfax County Zoning Administrator v. Archie E. Preast and Chan Ha*, In Chancery No. CH-2005-0001292 (Fx. Co. Cir. Ct.) (Mason District)
17. *Board of Supervisors of Fairfax County, Virginia v. Virginia First Investment Corporation*, At Law No. CL-2005-0001599 (Fx. Co. Cir. Ct.) (Providence District)
18. *Board of Supervisors of Fairfax County, Virginia v. JDT, L.L.C.*, At Law No. CL-2005-0001598 (Fx. Co. Cir. Ct.) (Mount Vernon District)

And in addition:

- Virginia Code Annotated Section 15.2-2308(D)
- Title 5 Virginia Administrative Code Section 520-80(A)

- Weidman versus Fairfax County Water Authority, *et al.*, In Chancery Number 2005-1388
- Board of Supervisors of Fairfax County, *et al.* versus Board of Zoning Appeals of Fairfax County, *et al.*, At Law Number CL-2004-0224071
- Appeal by Batal Corbin, LLC, of a Proffer Interpretation for Rezoning Application RZ 1999-PR-035
- Revised Plan for McNair Farms Stormwater Management Ponds B&C

Supervisor Bulova seconded the motion and it carried by unanimous vote.

PW:pw

At 3:38 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Connolly presiding.

ACTIONS FROM CLOSED SESSION

54. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:38 p.m.)

Supervisor Bulova moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during the closed session. Supervisor Hyland seconded the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE."

55. **AUTHORIZATION TO FILE A PETITION FOR APPEAL TO THE VIRGINIA SUPREME COURT IN MARK A. MCCHRISTAL VERSUS FAIRFAX COUNTY BOARD OF SUPERVISORS, ET AL., IN CHANCERY NUMBER CH-2005-0000014** (3:39 p.m.)

Supervisor Gross moved that the Board authorize the County Attorney to file a Petition for Appeal to the Virginia Supreme Court in *Mark A. McChrystal versus Fairfax County Board of Supervisors, et al.*, In Chancery Number CH-2005-0000014, Fairfax County Circuit Court, as outlined by the County Attorney in closed session. Supervisor Smyth seconded the motion and it carried by unanimous vote.

56. **AUTHORIZATION TO PURSUE AN APPEAL TO THE VIRGINIA SUPREME COURT IN BOARD OF SUPERVISORS, ET AL. VERSUS BOARD OF ZONING APPEALS, ET AL., AT LAW NUMBER CL-2004-0224071 (MASON DISTRICT)** (3:40 p.m.)

Supervisor Gross moved that the Board authorize the County Attorney to pursue an appeal to the Virginia Supreme Court in *Board of Supervisors, et al. versus Board of Zoning Appeals, et al.*, At Law Number CL-2004-0224071, Fairfax County Circuit Court, Mason District, as outlined by the County Attorney in closed session. Supervisor DuBois seconded the motion and it **CARRIED** by a recorded vote of six, Supervisor Bulova, Supervisor Frey, Supervisor Hyland, and Supervisor McConnell voting "NAY."

AGENDA ITEMS

DS:ds

57. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2004-PR-026 (CHEVY CHASE BANK) (PROVIDENCE DISTRICT)** (3:41 p.m.)

The application property is located at 2938 Chain Bridge Road, Tax Map 47-2 ((1)) 93.

Mr. Robert F. Flinn reaffirmed the validity of the affidavit for the record.

Mr. Flinn had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, which included testimony by two speakers, discussion ensued, with input from Mr. Flinn, regarding an engineering study for a sidewalk.

William Sherman, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Smyth submitted a letter for the record which confirmed the feasibility study for the sidewalk.

Supervisor Smyth moved:

- Approval of Special Exception Application SE 2004-PR-026, subject to the development conditions dated April 1, 2005,* with development condition number 20 revised as follows:

“Prior to approval of a Non-Residential Use Permit, subject to approval by VDOT and DPWES, signs indicating that left turns out of the subject property onto Hunter Mill Road are not permitted shall be posted on the subject property.”

- Waiver of the service drive requirement along Chain Bridge Road.
- Waiver of the loading space requirement.
- Waiver of the barrier requirement in the southwest corner of the site.

Discussion ensued, with input from Mr. Sherman, regarding the date of the development conditions.

*Supervisor Smyth clarified that the development conditions were dated **April 4, 2005**, instead of April 1, 2005.

Supervisor Gross seconded the motion and it carried by a vote of seven, Supervisor DuBois, Supervisor Hudgins, and Supervisor Hyland being out of the room.

58. **3:30 P.M. – PH ON THE FISCAL YEAR (FY) 2006 EFFECTIVE TAX RATE INCREASE** (3:56 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of March 17 and March 25, 2005.

Susan W. Datta, Director, Department of Management and Budget, presented the staff report.

Following his testimony, Mr. Neal McBride (Speaker One) presented two checks to the County Executive to be donated to the Fairfax Education Foundation and the Park's Foundation.

Following the public hearing, which included testimony by 15 speakers, Chairman Connolly closed the public hearing on the establishment of the real property tax rate, while leaving the record open.

(NOTE: Later in the meeting, additional action was taken regarding this item. See Clerk's Summary Item CL#59.)

59. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING THE ZONING FEE SCHEDULE** (4:51 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of March 14 and March 21, 2005.

ADDITIONAL DISCUSSION ON THE FISCAL YEAR 2006 EFFECTIVE TAX RATE INCREASE

(NOTE: Earlier in the meeting, the public hearing was held regarding this item. See Clerk's Summary Item CL#58.)

Supervisor Bulova clarified that the record would remain open for written testimony on the establishment of the real property tax rate until April 18, 2005, at which time the Board meets for Budget Mark-up.

Donna F. McNeally, Assistant Director, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report.

Discussion ensued with input from Ms. McNeally regarding the range of fee recovery in comparable jurisdictions.

Following the public hearing, Supervisor Bulova moved to close the public hearing, while keeping the record open for oral and written testimony until April 18, 2005, to permit persons wishing to testify on this matter to provide such testimony during the forthcoming budget public hearings. Supervisor Hudgins seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

60. **4 P.M. – PH ON PROPOSED AMENDMENTS TO CHAPTER 2 (PROPERTY UNDER COUNTY CONTROL), CHAPTER 61 (BUILDING PROVISIONS), CHAPTER 101 (SUBDIVISION ORDINANCE), CHAPTER 104 (SEDIMENT AND EROSION CONTROL ORDINANCE), AND 112 (ZONING ORDINANCE), REGARDING ADJUSTMENT OF THE FEES CHARGED BY LAND DEVELOPMENT SERVICES (LDS) – DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES** (4:54 p.m.)

(O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of March 17 and March 21, 2005.

James Patteson, Director, Land Development Services, Department of Public Works and Environmental Services, presented the staff report.

Following the public hearing, Supervisor Frey moved:

- Adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 2 (Property Under County Control), Chapter 61 (Building Provisions), Chapter 101 (Subdivision Ordinance), Chapter 104 (Sediment and Erosion Control Ordinance), and Chapter 112 (Zoning Ordinance), regarding site and building related fees charged by LDS, as set forth in the revised staff report dated January 24, 2005, subject to the deletion of paragraph D, 1A10, from Chapter 61, as recommended by the Planning Commission.
- That the proposed amendments become effective at 12:01 a.m. on July 1, 2005.
- That the subsequent revisions to the site inspections fees as set forth in parentheses in the proposed text be effective at 12:01 a.m. on July 1, 2006.
- That the revised fees shall be applicable to any submissions after these dates.

Supervisor Bulova seconded the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE."

61. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 67.1 (SANITARY SEWERS AND SEWAGE DISPOSAL), ARTICLE 10, CHARGES, TO REVISE THE SEWER SERVICE CHARGES AND THE AVAILABILITY FEES** (5 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of March 11 and March 18, 2005.

Edgar Jones, Finance Director, Wastewater Management Program, Department of Public Works and Environmental Services, presented the staff report.

Discussion ensued, with input from Mr. Jones, regarding how the rates in the County compare with rates in the region.

Following the public hearing, Supervisor Bulova asked unanimous consent that the Board leave the record open for oral and written testimony until April 18, 2005, to permit persons wishing to testify on this matter to provide such testimony

during the forthcoming budget public hearings. Without objection, it was so ordered.

Discussion ensued, with input from Susan W. Datta, Director, Department of Management and Budget, regarding why the record will remain open.

62. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 4 (TAXATION AND FINANCE), TO ADJUST THE E-911 FEE** (5:03 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of March 17 and March 24, 2005.

Susan W. Datta, Director, Department of Management and Budget, presented the staff report and discussion ensued, regarding the State allowed maximum rate and land line usage.

Following the public hearing, Supervisor Bulova asked unanimous consent that the Board leave the record open for oral and written testimony until April 18, 2005, to permit persons wishing to testify on this matter to provide such testimony during the forthcoming budget public hearings. Without objection, it was so ordered.

63. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE PUBLIC FACILITIES MANUAL (PFM) CONCERNING SIGNAGE FOR ACCESSIBLE PARKING SPACES, CASH DEPOSITS, AND NATURAL DRAINAGE DIVIDES** (5:08 p.m.)

- (A) Supervisor Frey moved to defer the public hearing on proposed amendments to the PFM until **May 9, 2005, at 4 p.m.** Supervisor Smyth seconded the motion and it carried by unanimous vote.

64. **RECESS** (5:09 p.m.)

At 5:09 p.m., the Board recessed and, at 7:02 p.m., reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor DuBois and Supervisor Frey, and with Chairman Connolly presiding.

DMB:dmb/DS:ds/NV:nv

65. **RECOGNITION OF BOY SCOUT TROOP 1853 FROM WEST SPRINGFIELD** (7:02 p.m.)

Chairman Connolly recognized the presence of members of Boy Scout Troop 1853 from West Springfield and led by Mr. John Selstrom. He warmly welcomed them to the Board Auditorium.

66. **7 P.M. – PH ON THE COUNTY EXECUTIVE’S PROPOSED FISCAL YEAR (FY) 2006 ADVERTISED BUDGET PLAN, THE ADVERTISED CAPITAL IMPROVEMENT PROGRAM (CIP) FOR FY 2006–2010 (WITH FUTURE FY’S TO 2015) AND THE CURRENT APPROPRIATION IN THE FY 2005 REVISED BUDGET PLAN** (7:02 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearings were duly advertised in that newspaper as follows:

- County Executive’s proposed FY 2006 advertised Budget Plan and the CIP for the FYs 2006-2010 (with future FYs to 2015) on March 17 and March 24, 2005.
- The current appropriation in the FY 2005 revised Budget Plan on March 24, 2005.

Chairman Connolly opened the first of three nights of public hearings on the FY 2006 Budget as proposed by the County Executive.

(10:10 p.m.)

Following the testimony of John Speicher, Representative, Fairfax County Police Chief’s Council, McLean Station (Speaker 48), Supervisor Hyland asked unanimous consent that the Board direct staff to provide information regarding:

- The multi-year staffing request by the Chief of Police.
- How, if at all, the budget presented by the County Executive is at variance with that request, and an analysis of the differences.

Without objection, it was so ordered.

(10:23 p.m.)

Following the testimony of Janet Patrick, Chairperson, Police Chief’s Council (Speaker 52), Supervisor Hyland asked unanimous consent that the Board direct staff to determine whether there is still a funding problem with the Traffic Safety

Camp. Following input from Anthony H. Griffin, County Executive, without objection, it was so ordered.

(10:34 p.m.)

Following the testimony of Douglas Woodward, Representative, Virginia Retirement System, Health Department Employees (Speaker 54), Supervisor Hyland asked unanimous consent that the Board direct staff to provide a review of the retirement parity issue and add this issue to the agenda for the next closed session on April 25.

Following discussion, with input from Anthony H. Griffin, County Executive, and David P. Bobzien, County Attorney, Supervisor Hyland clarified his request to direct staff to provide the information, including a cost estimate, in time for inclusion as a Budget Consideration Item. Without objection, the request was so ordered.

The public hearing included testimony by 60 speakers.

67. **BOARD RECESS** (11:15 p.m.)

Chairman Connolly announced that the Board would recess until April 5, 2006, at 6 p.m., at which time there will be a presentation by the School Board, followed by the continuation of the public hearings regarding the:

- Proposed adoption of the County Executive's Fiscal Year (FY) 2006 Advertised Budget Plan.
- Capital Improvement Program for FY 2006 - 2010 (with future FYs to 2015).
- Current appropriation level in the FY 2005 Revised Budget Plan.

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